

Introduced by Senator La Malfa

February 17, 2011

An act to amend Section 13007 of the Fish and Game Code, relating to fish.

LEGISLATIVE COUNSEL'S DIGEST

SB 505, as amended, La Malfa. Fish: licenses: trout hatcheries.

Existing law requires 33 1/3% of the fees derived from the issuance of sport fishing licenses, with certain exceptions, to be deposited into the Hatchery and Inland Fisheries Fund within the State Treasury. Moneys in the fund may be expended, upon appropriation, in support of Department of Fish and Game programs related to the management, maintenance, and capital improvement of California's fish hatcheries, the Heritage and Wild Trout Program, enforcement activities, and other activities eligible to be funded from revenue generated by sport fishing license fees.

This bill would require the department to ensure that 20% of the pounds of fish planted by the department using revenues deposited in the Hatchery and Inland Fisheries Fund be procured from privately owned hatcheries located within the state. The bill would require a report required by existing law to contain specified information relating to the Hatchery and Inland Fisheries Fund.

~~Existing law authorizes the Fish and Game Commission to issue a permit, subject to restrictions and regulations that the commission deems desirable, to a nonprofit organization to construct and operate an anadromous fish hatchery and prohibits the commission from issuing a permit unless it determines the nonprofit organization has the financial~~

~~capability to successfully construct and operate the hatchery and will diligently and properly conduct the operation authorized under the permit. All fish handled under this authority during the time they are in the hatchery or in the wild are the property of the state and when in the wild are allowed to be taken under the authority of a sport or commercial fishing license as otherwise authorized for wild fish.~~

~~This bill would state the intent of the Legislature to enact legislation to address the allocation of fishing license fees and trout hatcheries.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 13007 of the Fish and Game Code is*
2 *amended to read:*

3 13007. (a) Notwithstanding Section 13001 and paragraph (1)
4 of subdivision (a) of Section 13005, commencing July 1, 2006,
5 33 $\frac{1}{3}$ percent of all sport fishing license fees collected pursuant to
6 Article 3 (commencing with Section 7145) of Chapter 1 of Part 2
7 of Division 6, except license fees collected pursuant to Section
8 7149.8, shall be deposited into the Hatchery and Inland Fisheries
9 Fund, which is hereby established in the State Treasury. Moneys
10 in the fund may be expended, upon appropriation by the
11 Legislature, to support programs of the Department of Fish and
12 Game related to the management, maintenance, and capital
13 improvement of California's fish hatcheries, the Heritage and Wild
14 Trout Program, and enforcement activities related thereto, and to
15 support other activities eligible to be funded from revenue
16 generated by sport fishing license fees.

17 (b) The sport fishing license fees collected and subject to
18 appropriation pursuant to subdivision (a) shall be used for the
19 following purposes:

20 (1) For the department's attainment of the following production
21 goals for state hatcheries, based on the sales of the following types
22 of sport fishing licenses: resident; lifetime; nonresident year;
23 nonresident, 10-day; 2-day; 1-day; and reduced fee.

24 (A) By July 1, 2007, a minimum of 2.25 pounds of released
25 trout per sport fishing license sold in 2006, 1.75 pounds of which
26 must be of catchable size or larger.

1 (B) By July 1, 2008, a minimum of 2.5 pounds of released trout
2 per sport fishing license sold in 2007, 2.0 pounds of which must
3 be of catchable size or larger.

4 (C) By July 1, 2009, and thereafter, a minimum of 2.75 pounds
5 of released trout per sport fishing license sold in 2008, 2.25 pounds
6 of which must be of catchable size or larger.

7 (D) The department shall attain these goals in compliance with
8 Fish and Game Commission trout policies concerning
9 catchable-sized trout stocking.

10 (2) *The department shall, by July 1, 2015, ensure that 20-percent*
11 *of the pounds of fish planted by the department using revenues*
12 *deposited in the Hatchery and Inland Fisheries Fund are procured*
13 *from privately-owned hatcheries located within the state. The*
14 *department shall attain the 20 percent goal of this paragraph*
15 *according to the following schedule:*

16 (A) *By July 1, 2012, 5 percent.*

17 (B) *By July 1, 2013, 10 percent.*

18 (C) *By July 1, 2014, 15 percent.*

19 (D) *By July 1, 2015, and thereafter, 20 percent.*

20 ~~(2)~~

21 (3) To the Heritage and Wild Trout Program, two million dollars
22 (\$2,000,000), which shall be used for permanent positions and
23 seasonal aides in each region of the state as necessary, and other
24 activities necessary to the program.

25 (A) The funds allocated pursuant to this paragraph shall be used
26 to fund seven new positions for the Heritage and Wild Trout
27 Program.

28 (B) In addition to the seven new positions specified in
29 subparagraph (A), the department may hire seasonal aides in each
30 region of the state to assist with the operations of the Heritage and
31 Wild Trout Program.

32 ~~(3)~~

33 (4) The department shall, by January 1, 2012, ensure that the
34 numbers of native California trout, as defined in Section 7261,
35 produced are sufficient to equal or exceed 25 percent of the
36 numbers of trout produced by ~~the state~~ fish hatcheries to comply
37 with paragraph (1). The native trout produced in accordance with
38 this paragraph shall support department efforts to protect and
39 restore cold water ecosystems, maintain biological diversity, and
40 provide diverse angling opportunities. Coastal rainbow

1 trout/steelhead produced for anadromous mitigation purposes shall
2 be excluded from contributing to the native trout production goals
3 required by this paragraph. Coastal rainbow trout/steelhead
4 propagated for purposes other than anadromous mitigation and
5 released into their source watersheds may be counted toward the
6 25 percent native trout production goal. Native trout produced
7 shall be naturally indigenous stocks from their original source
8 watersheds. Native trout produced may be released into watersheds
9 other than their original source watershed only if the released trout
10 will cause no harm to other native trout in their original watersheds.
11 The department shall attain the 25 percent production goal
12 according to the following schedule:

13 (A) By January 1, 2010, 15 percent and at least four species.

14 (B) By January 1, 2011, 20 percent and at least four species.

15 (C) By January 1, 2012, 25 percent and at least five species.

16 ~~(4)~~

17 (5) The department may hire additional staff for state fish
18 hatcheries, in order to comply with this subdivision.

19 (c) The department may allocate any funds under this section,
20 not necessary to maintain the minimums specified in paragraphs
21 (1), (2), and ~~(3)~~ (4) of subdivision (b), and after the expenditure
22 in paragraph ~~(2)~~ (3) of subdivision (b), to the Fish and Game
23 Preservation Fund.

24 (d) The department may utilize federal funds to meet the funding
25 formula specified in subdivision (a) if those funds are otherwise
26 legally available for this purpose.

27 (e) A portion of the moneys subject to appropriation pursuant
28 to subdivision (a) may be used for the purpose of obtaining
29 scientifically valid genetic determinations of California native
30 trout stocks, consistent with Theme 1 in the executive summary
31 of the department's Strategic Plan for Trout Management,
32 published November 2003.

33 (f) *(1)* The department, by July 1, ~~2008~~ 2012, and annually
34 thereafter, shall report to the fiscal and policy committees in the
35 Legislature on the implementation of these provisions.

36 *(2) The report shall contain all of the following information:*

37 *(A) The combined revenues received by the Hatchery and Inland*
38 *Fisheries Fund from all types of sport fishing licenses and the*
39 *current balance of the fund.*

1 (B) *Itemized expenditures from the Hatchery and Inland*
2 *Fisheries Fund, including the statutory authority for each*
3 *expenditure.*

4 (C) *The total number of fish planted from Hatchery and Inland*
5 *Fisheries Fund programs, including the hatcheries from which*
6 *the fish were procured.*

7 (D) *All loans made from the Hatchery and Inland Fisheries*
8 *Fund, including the amount, receiving entity, and repayment status*
9 *of the loan.*

10 (3) *A report to be submitted pursuant to this subdivision shall*
11 *be submitted pursuant to Section 9795 of the Government Code.*

12 ~~SECTION 1. It is the intent of the Legislature to enact~~
13 ~~legislation to address the allocation of fishing license fees and trout~~
14 ~~hatcheries.~~